

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR170
)	
v.)	
)	
HOMERO BARRERAS GASTELUM,)	ORDER
)	
Defendant.)	
_____)	

IT IS ORDERED that defendant's Motion for Extension of Date to File Statement of Objection to Magistrate Judge's Decision, Filing No. 29, is granted. Defendant is granted an extension until October 21, 2005, in which to file his objections to the magistrate's Report and Recommendation, Filing No. 28.

The ends of justice will be served by granting the defendant's request for a continuance, and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising from the date of the motion to the deadline for filing an objection, namely, **September 29, 2005, through October 21, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case, and the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 3rd day of October, 2005.

BY THE COURT:

s/ Joseph F. Bataillon

JOSEPH F. BATAILLON
United States District Judge